

REMARKS

Claims 1-12 and 26-52 are pending. The Office Action rejects Claims 1, 26-27, and 43-47 under 35 U.S.C. § 112, second paragraph. Claims 1-5, 10-12, 26-30, 35-37, 42-47, and 50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2005/0136890 to Lippelt ("Lippelt") in view of U.S. Pat. No. 6,496,690 to Cobo et al. ("Cobo") and further in view of U.S. Pat. No. 6,453,029 to Campbell ("Campbell"). Claims 6-9, 31-34, 38-41, and 51-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lippelt in view of Cobo and Campbell and further in view of U.S. Pat. No. 6,947,724 to Chaney ("Chaney").

Applicants have made clarifying amendments to several claims to more particularly point out and distinctly claim the invention. New Claims 53 and 54 have been added, which depend from Claim 26 and Claim 27, respectively. In light of the amendments and subsequent remarks, Applicants respectfully submit that the claims are in condition for allowance

The Rejection of Claims 1, 26-27, and 43-47 under §112 is Overcome

Applicants appreciate the Examiner pointing out the lack of antecedent basis for the feature "the accounting session" as recited by Claims 1, 26-27, and 43-47. Applicants have amended the first instance of "the accounting session" in each of Claims 1, 26-27, and 43-47 to recite "an accounting session." Applicants therefore respectfully submit that the rejection of Claims 1, 26-27, and 43-47 under § 112, second paragraph is overcome.

The Rejection of Independent Claims 1, 26-27, and 43-47 under §103(a) is Overcome

Independent Claim 1 is directed to a method comprising establishing an accounting session and allocating an accounting session identifier to the accounting session based on a received request to establish an accounting session between an accounting server and at least one accounting client configured to generate costs to be charged against prepaid credit during a call after ascertaining whether any costs generated

by the at least one accounting client in a network, which are associated with a request to establish the call between a first terminal and a second terminal, are to be charged against the prepaid credit. The method further comprises collating charging update data in the accounting server based on the accounting session identifier and the charging update data at the accounting server received from the at least one accounting client during the call established between the first and second terminals, to enable updating of the prepaid credit during the call, wherein the charging update data received during the call includes the accounting session identifier and tariff update data. Claims 26, 43, and 44 include substantially similar recitations and are directed to an apparatus, computer-readable storage medium, and apparatus, respectively.

Independent Claim 47 is directed to a method comprising establishing an accounting session being allocated an accounting session identifier based on receiving a request to establish an accounting session with an accounting server configured to generate the costs to be charged against prepaid credit associated with a request to establish a call between a first and second terminal. The method further comprises sending charging update data to the accounting server during the call established between the first and second terminals for collation by the accounting server based on the accounting session identifier, to enable updating of the prepaid credit during the call, wherein the charging update data sent during the call includes the accounting session identifier and tariff update data. Claims 27, 45, and 46 include substantially similar recitations and are directed to a method, apparatus, and computer-readable storage medium, respectively.

Accordingly, each of the independent claims includes a feature of establishing an accounting session and allocating an accounting session identifier to the accounting session based on a received request to establish an accounting session between an accounting server and at least one accounting client. The Office Action asserts that Cobo teaches this feature and, in particular, cites to Figs. 2 and 3 and col. 6, lines 31-49 of Cobo. However, the Office Action does not provide any construction of the claim language or any explanation of how Cobo teaches the claim feature. In this regard and as discussed further below, the Office Action fails to meet the initial burden of proof in

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establishing *prima facie* obviousness of a claimed invention under 35 U.S.C. § 102 or § 103. Further, the inadequacy of the Office Action makes it difficult for the Applicants to respond to the Office Action. Nevertheless, Applicants have reviewed the disclosure of Cobo and, without the benefit of having knowledge of the Examiner's interpretation of Cobo given the failure to set forth an adequate claim construction in the Office Action, respectfully submit that Cobo does not teach or suggest the feature of establishing an accounting session and allocating an accounting session identifier to the accounting session based on a received request to establish an accounting session between an accounting server and at least one accounting client.

In this regard, Cobo does not teach or suggest establishing an accounting session between an accounting server and at least one accounting client. The cited portion of Cobo merely teaches establishing a data session between a mobile terminal and terminal equipment, neither of which comprises an accounting server. Moreover, even if the Examiner were to regard the SGSN and PPC taught by Cobo to comprise an accounting client and an accounting server, Cobo does not teach or suggest establishing an accounting session between the SGSN and PPC.

Additionally, Cobo does not teach or suggest allocating an accounting session identifier to the accounting session based on a received request to establish an accounting session, as featured in the independent claims. Indeed, it is again unclear from the inadequate claim construction set forth in the Office Action what the Examiner regards as teaching allocating an accounting session identifier to the accounting session based on a received request to establish an accounting session. Should the Examiner be relying on the prepaid subscriber class (PPSC) taught by Cobo, Applicants respectfully submit that the PPSC does not teach or suggest an accounting session identifier and, moreover, the PPSC is not allocated to the accounting session based on a received request to establish an accounting session, as featured in the independent claims.

None of the other cited references, taken alone or in combination, cure the deficiencies of Cobo. Accordingly, Applicants respectfully submit that Claims 1, 26-27, and 43-47 are patentably distinct from the cited references, taken alone or in combination.

Applicants submit that independent Claims 1, 26, 43, and 44 are further patentably distinguishable from the cited references, taken alone or in combination, due to the feature of collating charging update data in the accounting server based on the accounting session identifier and the charging update data at the accounting server received from the at least one accounting client during the call. In this regard, the claimed invention enables updating the prepaid credit during a call even when more than one accounting client generates costs to be charged against the prepaid credit during the call.

The Office Action relies on Campbell as teaching this feature of Claims 1, 26, 43, and 44. However, Campbell does not enable updating of the prepaid credit during a call, because Campbell teaches that the server 101 updates the balance in a user 107's record once the connection is terminated. See, col. 6, lines 18-20 of Campbell. Accordingly, the debit card system taught by Campbell does not allow for updating a user's account balance when there is more than one accounting client generating costs to be charged against prepaid credit during a call. None of the other cited references, taken alone or in combination, cure the deficiencies of Campbell.

In the Applicants' previous response, the Applicants explicitly argued that Campbell teaches away from the feature of collating charging update data in the accounting server based on the accounting session identifier and the charging update data at the accounting server received from the at least one accounting client during the call since Campbell explicitly teaches that the balance in a user 107's record is only updated once the connection is terminated, not during the call. However, the Examiner neither acknowledged nor responded to this argument in the current Office Action. Applicants note that the Examiner is required to answer all material traversed. See, Manual of Patent Examining Procedure § 707.07(f). Accordingly, Applicants respectfully request that if the Examiner continues to assert that Campbell teaches this claim feature, the Examiner particularly address the Applicants' arguments with respect to Campbell so that prosecution of this application may be advanced.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of independent Claims 1, 26-27, and 43-47 under §103(a) is overcome.

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Applicants further submit that Claims 1, 26-27, and 43-47 are in condition for allowance.

The Rejection of the Dependent Claims is Overcome

Because each of the dependent claims includes each of the recitations of a respective independent base claim, Applicants further submit that the dependent claims are patentably distinguishable from the cited references, taken alone or in combination, for at least those reasons discussed above. Accordingly, applicants respectfully submit that the rejections of the dependent claims are overcome and the dependent claims are in condition for allowance.

The Office Action Fails to Establish a Prima Facie Case of Obviousness

Applicants remind the Examiner that the Patent Office has the initial burden of proof in establishing *prima facie* anticipation or obviousness of a claimed invention under 35 U.S.C. § 102 or § 103. *In re Warner*, 379 F.3d 1011, 1016 (CCPA 1967). To make a fair review of the merits of a *prima facie* case of anticipation or obviousness, “[t]he Examiner must make specific findings as to claim construction.” *Ex parte Beery*, Appeal No. 2008-0543, Application No. 09/954,823 (BPAI Sep. 29, 2008) (emphasis added); *Ex parte Blankenstein et al.*, Appeal No. 2007-2872, Application No. 10/116,312 (BPAI Aug. 26, 2008); and *see Gechter v. Davidson*, 116 F.3d 1454 (Fed. Cir. 1997); and MPEP §§ 706, 706.07.

As mentioned above, the Office has failed, in the Office Action, to provide Applicants with a sufficient claim construction or interpretation of the cited references so as to enable the Applicants to make a fair review of the merits of the case of obviousness proffered by the Examiner, or to effectively reply. Other than quoting or paraphrasing Applicants’ claim language with annotated citations to figures, or column and line numbers of the cited references, the Examiner provides no finding or other explanation regarding Applicants’ claims, the cited references, or the application of the cited references to Applicants’ claims. The Board of Patent Appeals has found that the mere citing of passages of the prior art is insufficient to meet the Examiner’s “initial burden of pointing out where the applied prior art teaches or suggests Appellant’s invention.” *Ex*

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parte Beery, Appeal No. 2008-0543, page 5. As stated by the Board in *Ex parte* Beery, “The difficulty we have with the Examiner’s position is its failure to specifically point out where in the cited passages there is found a teaching of each of the disputed claim limitations.” *Id.*

Applicants therefore respectfully submit that the Examiner has failed to establish *prima facie* anticipation or obviousness of the claimed invention. Should the Examiner continue to reject the claims as being unpatentable over the same or any other ground, Applicants respectfully request that the Examiner submit on the record specific findings as to the construction being applied to the claims, an explanation of the references being cited against the claims, and how those references disclose recited features of the claims.

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CONCLUSION

In view of the amended claims and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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